

REMARKS

Claims 13,15, and 17-22 are presented. Claims 13 and 15 are independent, and the rest are dependent. All of the claims have been amended by amendment of the independent claims. It is respectfully submitted that the claims as now amended are in condition for allowance, and favorable reconsideration of the application is respectfully requested.

The phrase “lowering belts” has been introduced with claims 15 to provide support for that phrase in claim 19. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

Claims 13, 15, 18, 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ahm (USPN 5,101,594) in view of O’Connor (USPN 6,176,068). Claims 14 and 19 (now claim 19) are under 35 U.S.C. §103(a) as being unpatentable over Ahm (USPN 5,101,594) in view of O’Connor (USPN 6,176,068) and further in view of O’Connor (USPN 6,035,608). Claims 6-17 (now claim 17) are under 35 U.S.C. §103(a) as being unpatentable over Ahm (USPN 5,101,594) in view of O’Connor (USPN 6,176,078) and further in view of Ellis (USPN 5,516,256). Claims 22 and 24 (now claim 22) are under 35 U.S.C. §103(a) as being unpatentable over Ahm (USPN 5,101,594) in view of O’Connor (USPN 6,176,068) and further in view of Yamada (USPN 4,427,404) and Ellis (USPN 5,516,256). Claim 23 (now canceled) is

rejected under 35 U.S.C. §103(a) as being unpatentable over Ahm (USPN 5,101,594) in view of O'Connor (USPN 6,176,068) and further in view of O'Connor (USPN 6,035,608) and Ellis (USPN 5,516,256).

All of the rejections are respectively traverse in view of the amended claims.

In accordance with independent claim 13, a combination is provided including seeds for germination, a packed tape comprising at least one folded tape and a package. The combination is characterized in that the tape carries the seeds and is zigzag folded into at least one oblong stack in such a manner that some of the bendings of the tape are flushed with the ends of the stack whereas the remaining bendings are positioned at various distances therefrom, thereby facilitating pulling of the tape out of the package. Moreover, the packed tape comprises several stacks arranged in parallel, and the package is selected from the group consisting of a plastic sheet and a cardboard box. Separating sheets are moreover inserted between the stacks.

Independent claim 15 is directed to a method of producing a packed, flexible, folded tape and a package containing seeds for germination. The method is characterized in that the tape carries the seeds and is advanced continuously from a tape supply to a packing location where the tape is zigzag folded by virtue of its weight and by means of side lowering means into at least one oblong stack upon the bottom of the package formed as a bag or a box in such a manner that some of the bendings of the tape are flush with the ends of the stack and that the remaining bendings are positioned at varying distances therefrom, thereby facilitating pulling the tape out of

the package. After the filling of the package the layers of the stack are compressed and the package is closed. Moreover, the side lowering means are formed by substantially vertical, endless, circulating lowering belts. The downward courses of the lowering belts oppose one another and are arranged at the ends of the stack, whereby the zigzag tape forms bendings as the downward courses are tangent to the outermost tape bendings.

The invention as defined by the amended claims is neither disclosed nor suggested by the documents relied upon.

It is recognized in the Office Action that Ahm “does not disclose whether or not the bendings of the tape are flush with the edges, nor does Ahm disclose the type of container in which the tape is packaged (page 3). It is further recognized (page 5) that the modified package of Ahm in view of O’Connor ‘068 “does not disclose separating sheets between the stacks.” The Examiner then cites Ahm ‘608 to remedy that deficiency.

It is well recognized that it is improper to take applicant’s disclosure and use it as a shopping lists of elements to be found in the prior art. There must be a suggestion in the documents relied upon to combine features in the manner recited in the claims. Ahm is directed to a tape provided along the length thereof with pockets containing viable plant material. The two O’Connor patents relate to packaging material particularly of a fibrous nature such as fabric, non-woven strips and the like. These patents both relate to conventional festooning techniques to form a package which is then compressed. A person skilled in the art of handling seeds for

germination would not look to compression packaging technologies for a solution to the problem of handling seed tapes even though, in accordance with the invention, the tapes are compressed.

The Yamada patent relates to apparatus for stacking generic tape. Pivotal pressure plates alternately and intermittently press down on the top of a tape stack to compress the tape stack as the tape is being stacked. There is nothing in this patent that suggests its application to the art with which the present invention is concerned, nor is there any suggestion that its teaching is particularly adaptable to being combined with the teachings of the other documents relied upon.

The Ellis patent discloses an accumulator for business forms. A person skilled in the art that the present invention relates to would not look to a disclosure of a vertical accumulator or stacker for business forms in order to find a solution to the problem of handling seed tapes.

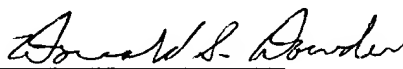
We note that claim 13 includes the features of canceled claim 14 and thus in accordance with the Examiner's analysis would require the combined teachings of Ahm and the two O'Connor patents. Claim 15 incorporates the features of canceled claim 17 and in accordance with the Examiner's analysis would require the combined teachings of the Ahm patent, the O'Connor '608 patent, and the Ellis patent. Finally, claim 15 incorporates the limitations of canceled claims 23 and 24 and in accordance with the Examiner's analysis would require the combined teachings of Ahm, the O'Connor '608, the Yamada patent, and the Ellis patent.

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While there is no arbitrary limit to the number of references that may be combined to show that a claimed invention is obvious, it is not proper to use the applicant's invention as a guide in selecting the references. That is plain hindsight. Rather, the references themselves must suggest the combination to be applied to the claims. Absent such a suggestion, the collection of references is merely a tribute to the unobviousness of the claimed invention.

For the reasons indicated, it is respectfully requested that the Examiner withdraw the rejections and issue a Notice of Allowance.

Respectfully submitted,
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